

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

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In the Matter of Permit 19323 (Application 27665)

**Peninsula Open Space Trust**

**ORDER REVOKING PERMIT**

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SOURCES: An Unnamed Stream tributary to Butano Creek thence Pescadero Creek

COUNTY: San Mateo

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**WHEREAS:**

1. Peninsula Open Space Trust is the sole owner of water right Permit 19323.
2. The original time to make full beneficial use of water under Permit 19323 elapsed on December 1, 1988.
3. A Petition for an Extension of Time was granted by Order dated January 16, 1990 extending the completion date to December 31, 1992.
4. A second Petition for an Extension of Time was granted by Order dated May 18, 1993 extending the completion date to December 31, 2003.
5. Peninsula Open Space Trust requested by letter received on December 29, 2008, that the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), revoke Permit 19323.
6. Aerial photographs, file documents, and the Permittee's Agent confirm that the reservoir proposed under this permit, Reservoir 4, has not been constructed.
7. By requesting voluntary revocation, the Permittee waived the right to the hearing and notice requirements set forth in Water Code sections 1410 and 1410.1.

**THEREFORE:**

It is ordered that Permit 19323 is hereby revoked by the State Water Board, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD

**ORIGINAL SIGNED BY JOHN O'HAGAN FOR:**

*Victoria A. Whitney, Chief*  
*Division of Water Rights*

Dated: FEB 04 2009

# DIVISION OF WATER RIGHTS

## ORDER

APPLICATION 27665

PERMIT 19323

LICENSE \_\_\_\_\_

### ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

#### WHEREAS:

1. Permit 19323 was issued to Arroyo Ranch Company on September 25, 1984 pursuant to Application 27665.
2. Permit 19323 was subsequently assigned to Chase Trust Company of Arizona.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (Board).
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

#### NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 31, 1997

(0000008)

2. Condition 9 of the permit be amended to read:

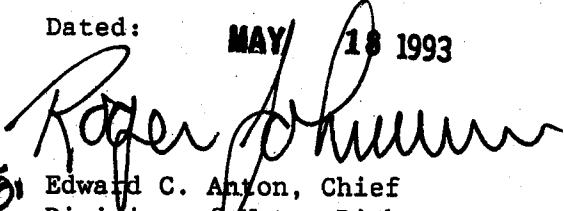
COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 2003

(0000009)

Dated:

MAY 18 1993

*to*   
Edward C. Annon, Chief  
Division of Water Rights

**ORDER**

(over)

APPLICATION 27665

PERMIT 19323

LICENSE \_\_\_\_\_

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE  
AND AMENDING THE PERMIT**

**WHEREAS:**

1. Permit 19323 was issued to Arroyo Ranch Company on September 25, 1984 pursuant to Application 27665.
2. Permit 19323 was subsequently assigned to City National Bank.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (Board).
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
5. Permit Condition 12 pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 31, 1991

(0000008)

2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 1992

(0000009)

3. Condition 12 of the permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: JANUARY 16 1990

61   
Walter G. Pettit, Chief  
Division of Water Rights

# PERMIT FOR DIVERSION AND USE OF WATER

19323

PERMIT

Application 27665 of Arroyo Ranch Company

500 Harbor Drive, Belmont California 94002

filed on February 23, 1983, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Unnamed Stream

Butano Creek thence

Pescadero Creek thence

Pacific Ocean

2. Location of point of diversion:

	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
Reservoir No. 4 - Storage North 267,700 and East 1,459,000 California Coordinate System, Zone 3	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	23	8S	5W	MD

County of San Mateo

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Stockwatering	Reservoir No. 4 In NE $\frac{1}{4}$ of SE $\frac{1}{4}$	23	8S	5W	MD	
Irrigation		23	8S	5W	MD	250
		24	8S	5W	MD	

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

(0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

(0000007)

8. Construction work shall be completed by December 1, 1987.

(0000008)

9. Complete application of the water to the authorized use shall be made by December 1, 1988.

(0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

(0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

(0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action

appropriation under this permit may be released. Before starting construction permittee shall submit plans and specifications of the outlet pipe to the Chief of the Division of Water Rights for approval. Before storing water in the reservoir permittee shall furnish evidence which substantiates that an outlet has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0050043)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

P19323

5/2/89 Asgd to City National Bank, Trustee for Roy E. Crummer & Hazel R. Crummer,  
Living Trust

1/23/91 assigned to Chase Trust Company of  
Arizona

3/19/97 assigned to City National  
Bank

11/6/98 Asgd. to Peninsula Open Space Trust